

TENTH EDITION

The Structure of **ARGUMENT**

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Throughout the book, we have pointed out the weaknesses that cause arguments to break down. In the vast majority of cases, these weaknesses represent breakdowns in logic or the reasoning process. We call such weaknesses **fallacies**, a term derived from Latin. Sometimes these false or erroneous arguments are deliberate; in fact, the Latin word *fallere* means “to deceive.” But more often these arguments are either carelessly constructed or unintentionally flawed. Thoughtful readers learn to recognize them; thoughtful writers learn to avoid them.

As discussed in Chapter 5, the reasoning process was first given formal expression by Aristotle. In his famous treatises, he described the way we try to discover the truth — observing the world, selecting impressions, making inferences, generalizing. In this process, Aristotle identified two forms of reasoning: induction and deduction. Both forms, he realized, are subject to error. Our observations may be incorrect or insufficient, and our conclusions may be faulty because they have violated the rules governing the relationship between statements. Induction and deduction are not reserved only for formal arguments about important problems; they also represent our everyday thinking about the most ordinary matters. As for the fallacies, they, too, unfortunately, may crop up anywhere, whenever we are careless in our use of the reasoning process.

In this chapter, we examine some of the most common fallacies. First, however, a closer look at induction and deduction will make clear what happens when fallacies occur.

Induction

Induction is the form of reasoning in which we come to conclusions about the whole on the basis of observations of particular instances. For example, two friends decided to do some price comparisons.¹ They went to four

¹ Amanda Miller, “Shop-o-nomics: ‘Which Grocery Store Has the Lowest Prices?’” Get Out of Debt Guy, September 20, 2010, <http://getoutofdebt.org/21926/shop-o-nomics-which-grocery-store-has-the-lowest-prices>.

popular stores, and at each one they checked the prices of the same four items: Sunbeam Giant Bread, Charmin Ultra Strong 9 Pack Mega Roll toilet paper, a gallon of store-brand whole milk, and a 12-pack of Cherry Coke Zero.

These shoppers were using the inductive method to determine which store is the least expensive. They studied the prices of individual items at individual stores and used that information to arrive at a generalization. They were moving from specifics—the prices of specific items at specific stores—to general observations. They compared the prices at the four stores and concluded that Walmart is the least expensive.

They were using induction, but how accurate was their conclusion? In inductive reasoning, the reliability of your conclusion depends on the quantity and quality of your observations. Were four items out of the thousands available at these four stores a sufficiently large sample? Would the friends' conclusion have been the same if they had chosen fifty items? One hundred? Even without pricing every item in all four stores, you would be more confident of your generalization as the quality and quantity of your samples increased.

In June of 2019, the blog LendEDU compared the online cost of fifty nearly identical items in five different categories from Amazon, Walmart, and Target.² In this study, the team compared prices on fifty similar items, a more convincing sample size than in our previous example. In other words, there were more specific pieces of information to put together in reaching a generalization. If you bought all fifty items, Walmart was 1.73 percent cheaper than Amazon while Target was 1.24 percent more expensive than Amazon. Walmart, however, averaged 5.50 percent more expensive per item than Amazon, while Target averaged 1.24 percent more expensive per item than Amazon. How can that be? One analyst explains, “The only category where both Walmart and Target beat out Amazon on price was in the Food & Beverage group, by 4.61 percent and 7.30 percent respectively. The main section that makes Walmart cheaper in total was Technology & Entertainment, where it was 4.19 percent cheaper.” The process represents inductive reasoning because the researchers moved from specifics to generalizations, but the details reveal how closely you must look at the numbers in order to be sure your conclusions are valid. In this case, the specifics of what you were buying were more relevant to where you should shop than simply the total cost of all items.

Generalizations can also be complicated by other factors. Walmart recently aired television commercials citing specific items to prove that its prices on groceries are better than those at Publix. A blogger on Iheartpublix.com responded with her own list of prices on fifty-three items, showing that

² Ted McCarthy, “Amazon vs. Walmart vs. Target Price Comparison,” LendEDU, Shop Tutors, June 25, 2019, <https://lendedu.com/blog/amazon-walmart-target-price-comparison/>.

Publix prices are better.³ How can both be true? The blogger acknowledges that her prices were drawn from Publix's weekly ads. In other words, she compared Publix's sale prices with Walmart's everyday prices. (Her argument was that at least some of the Walmart items in the commercial were on sale and that smart shoppers buy when an item is on sale.)

Later in the chapter, we will discuss a fallacy called *hasty generalization* that occurs when a generalization is based on too little evidence.

In some cases, you can observe all the instances in a particular situation. For example, by acquiring information about the religious beliefs of all the residents of a dormitory, you can arrive at an accurate assessment of the number of Buddhists. But since our ability to make definitive observations about everything is limited, we must make an inductive leap about categories of things that we ourselves can never encounter in their entirety. We make a leap when we have to accept less than absolute certainty or complete data and conclude that we have enough information on which to generalize. It is too much of a leap to conclude from a study of four items that one store is less expensive than another. It is less of a leap to conclude on the basis of fifty items.

In other cases, we may rely on a principle known in science as "the uniformity of nature." We assume that certain conclusions about oak trees in the temperate zone of North America, for example, will also be true for oak trees growing elsewhere under similar climatic conditions. We also use this principle in attempting to explain the causes of behavior in human beings. If we discover that the institutionalization of some children from infancy results in severe developmental delay, we think it safe to conclude that under the same circumstances all children would suffer the same consequences. As in the previous example, we are aware that certainty about every case of institutionalization is impossible. With rare exceptions, the process of induction can offer only probability, not certain truth.

Keep in mind that induction is a reasoning process, not an organizational pattern for academic essays. An author may make use of inductive reasoning to arrive at a generalization that then becomes the thesis of an essay. It may not always be obvious that the author used induction to arrive at his or her thesis, but in the following essay, author Steven Doloff describes the inductive process he used.

ARGUMENT ESSENTIALS

Induction

- Induction is the process of arriving at a generalization based on the observation of a number of particular instances.
- The accuracy of the generalization depends on the quantity and quality of the particular instances observed.
- In most cases, the generalization will be a probability, not a certainty.
- Arriving at a generalization based on too few particular instances is a logical fallacy called "hasty generalization."

³ Michelle, "See the Real Difference—Publix vs. Walmart Shopping," I Heart Publix, June 16, 2012, <https://www.iheartpublix.com/2012/07/see-the-real-difference-publix-vs-walmart-shopping-comparison/>.

READING ARGUMENT

Seeing Induction

The following essay has been annotated to show inductive reasoning.

Greta Garbo, Meet Joan Rivers . . . (Talk amongst Yourselves)

STEVEN DOLOFF

Doloff used the inductive process 25 years ago to see what conclusions he could draw about how men and women were represented differently in featured obituaries. This sets up a comparison with his more recent analysis.

Doloff repeated the inductive process but with a larger sample in 2014.

Doloff generalizes that there was progress in equality in 25 years, but not enough.

Another similar study supported his generalization.

Twenty-five years ago, I examined the gender breakdown of the featured obituaries in *The New York Times* for a week, from April 13–19, 1990. I found fifty-three deceased men rated essay-long obituaries, but only one woman—Greta Garbo, the long retired movie actress from the 1920s and 30s. And in an issue of this journal, *Women and Language* (XV.2, 1992), I lamented that retrospective disregard that added the insult of oblivion to the injury of devaluation, so long inflicted upon the experience of women's lives. In a footnote to my piece, the editor of *W & L* urged its readers to prod their local media outlets to correct for this sexist bias.

So here we are, a quarter of a century later, and how far have we come in rectifying this journalistic prejudice? Well, I repeated my survey of *The New York Times'* featured obituary essays in 2014, this time expanding my sample to cover not one, but five weeks (September 1–October 5, 2014), and I discovered . . . some progress. Within this thirty-five day period, “The Gray Lady” (a nickname for the paper based on its historically higher-than-normal copy-to-graphics ratio) ran a hundred and four obituary essays: eighty-four for men, and twenty for women—that's just short of 24 percent women, or roughly four men to one woman. And the most prominent eulogized woman, by far, was the comedienne Joan Rivers, who died last year from a botched medical procedure.

Now 24 percent is a big jump from the 1.8 percent I found in 1990—that's true—but it nevertheless demonstrates the same ongoing bias: that lives of men still count for more than the lives of women. Actually, my updated statistical findings closely resembled a similar obituary review, nine years ago, of another big city daily, the *Chicago Tribune*, self-reported on by that paper's own “public editor,” Timothy McNulty (“Gender gap, even in death,” November 13, 2006). He found 73 percent of the *Tribune's*

Steven Doloff is professor of Humanities and Media Studies at Pratt Institute. He writes about culture and education for such publications as the *New York Times*, the *Washington Post*, and the *Chronicle of Higher Education*. This essay appeared in 2015 in *Women and Language*, a peer-reviewed journal that focuses on issues of communication, language, and gender.

obituaries were of men, and that that same percentage breakdown, give-or-take, matched those in major newspapers all over the country.

And what was McNulty's opinion on the cause of this "lopsided" state of affairs? He believed that the heavy preponderance of past and present male corporate leaders simply monopolized the most journalistically recognized field of human accomplishment, "business."

5 "Though women are increasingly reaching high levels of business in the society," he acknowledged, "those on contemporary obituary pages are more likely to have had one of the traditional roles: teacher, nurse, nun, mother of a large family, social worker, and very active volunteer." McNulty also postulated that because women live longer than men, and thereby often well after their most publicly active years, they're more prone to being forgotten. Finally, he observed that since many women in retirement are likely to relocate "to follow their . . . children and grandchildren," they may move away from the place where they would otherwise be publicly remembered for their achievements. Hmmm.

Aside from the comparable gender statistics themselves, my more recent perusal of *The New York Times* obituary page revealed something other than what McNulty proposes. I found a fairly broad range of professional achievements that proved print-worthy of the eighty-four deceased men. While only five seemed categorically distinguished as corporate magnates, most were not, and included a variety of sports figures, diplomats, journalists, academics, politicians, scientists, military heroes, inventors, and creative and performing artists of every stripe. Also noted were the deaths of the sons of Bernie Madoff and Victor McLaglan, a police informer, an exonerated state prisoner, and two cartoonists. The range of distinctions among the twenty deceased women was much narrower. Fifteen were from the arts and performance fields, accompanied by an epidemiologist, a pilot, a duchess, a woman who, as a child, refused to stand up for the pledge of allegiance in her school, and a transgender advocate. No nuns, no nurses, no social workers, and not one celebrated for the size of her family.

So why is there still this skew towards the encomia of male experience, even in the nation's most highly regarded "paper of record"? Is it really, as McNulty presents it, just a matter of waiting for more women, who now comprise 47 percent of the American work force, to elbow their way further up the same competitive ladders built by men, and so "win" better percentages on the *Times* obit page?

Well, McNulty might be right, even if a recent and lengthy front-page article in the *NYT* seems to suggest that the promise of competitively

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Kantor's research, however, suggests progress is coming more slowly than might have been hoped, even at Stanford, where diversity was stressed early.

achieved, top-tier professional gender equality may still be a ways off. Jodie Kantor, in "A Gender Gap More Powerful than the Internet" (*NYT*, December 23, 2014, A1, A18, A19), reported on the 20th reunion of the 1700-person Stanford University class of 1994. Back in the 90s, she points out, Stanford, "already the most powerful incubator in Silicon Valley," had adopted a diversity policy designed to pump representative numbers of women and minorities into the new era of cyber technology and entrepreneurship.

Yet Kantor discovered, through extensive interviews, that even though the class of 94 had participated in a Stanford campus "gone computer science crazy, with the majority of students taking programming courses," still it was primarily from the male half of the graduates (with some female exceptions, here and there) that the most recognizable movers, shakers, and earners of the current internet age emerged. She surmised that the high-wire financial ambiance of the internet industry, capitalized by "mostly male-run venture funds," somehow induced otherwise totally techno-capable female members of the class into opting for "safe jobs in and out of technology," or more conventional careers in law, finance, medicine.

This may seem like disheartening news for the cause of obituarial gender equality. And it would be, if we accept that the public sphere reflected by newspapers like *The New York Times* is, in fact, as it is and all there is, and that newspapers are and will continue to be the defining medium for that sphere. But if we consider that such selectively highlighted corporate rungs and ladders (even those extending into cyberspace) are not the only indicators of social contributions, a far more equitable gender achievement horizon appears. Nor do we need to wait for women to build their own ladders to competitively ascend, as there are already countless women's lives full of notable virtue and accomplishment.

As Gloria Steinem put it, women "have always been an equal part of the past . . . [they] just haven't been a part of history." And it is the internet (not newspapers), despite any cyber-mogul gender gap, that is correcting this discrepancy—if not from the top down in corporate figureheads, then from the bottom up in revelatory and substantive content. Simply scan the constantly expanding library of MAKERS.com, the online digital and video platform launched in 2012, that has been accumulating thousands of women's stories, in both original interview and archival film and photo format. In 2013, its documentary "MAKERS: Women Who Made America" was watched by over four million viewers on PBS stations around America, and in 2014, PBS further aired MAKERS' six-week series: *Women in Space*,

Doloff has generalized about what the numbers meant in the past; now he focuses on what they mean for the future: very little once we recognize that popular newspapers don't have to be the "defining medium" for achievement.

Doloff claims that it is the internet that is correcting the discrepancy between how men's and women's lives are valued.

Women in Hollywood, Women in Comedy, Women in Business, Women in War, and Women in Politics. Also last year, MAKERS began compiling an archive of hitherto insufficiently credited female achievement in the STEM fields (science, technology, engineering, and mathematics). It's just a matter of impartially looking.

So here's my two-part prediction: first, we will never see gender equality on the obituary pages of printed "major" daily newspapers. And, second, that's okay. Why never? Because, I believe, they will probably stop printing newspapers in any really significant numbers before the particular bias skewing those pages truly dissipates. And why is that okay? Because the decline in newspapers' social impact as a winnowing medium of popular history is already happening. As advertising dollars are increasingly and inevitably redirected into the endlessly inclusive medium of the internet, with its far larger and more diversified audience, newspaper size and circulation proportionally (and, again, inevitably) diminish. And while newspapers aren't dead yet, their prospective demise is a common editorial chew toy—their own obit, as it were, a work-in-progress.

Let me finally prognosticate that there will probably never be an uber-narrative of history published anywhere reflecting perfect gender equality. But at least in the budding, pluralistic cyber universe, it would appear the more egalitarian pixels "of record" will fall, to quote James Joyce, equally "upon all the living and the dead" of both sexes.

So if Garbo does happen to bump into Rivers in the hereafter, and they do talk, let's hope it gets recorded, because I'm sure it will make for a hilarious conversation.

First prediction: before the skewing can be corrected, newspapers will have lost their social impact.

Second prediction: there will never be a published history in which men and women share gender equality, but the cyber world is more egalitarian, and there they can.

Reading, Writing, and Discussion Questions

1. How much progress did Steven Doloff find in the treatment of women on the obituary page between his original study and the more recent one?
2. What is McNulty's explanation for the discrepancy that still exists between men and women when it comes to obituary essays? What is Doloff's response to McNulty's explanation?
3. How does Doloff's essay illustrate the use of inductive reasoning?
4. Do you feel that Doloff effectively supports his main claim? Why, or why not?
5. Doloff concludes that women have a better chance of having their accomplishments recognized as equivalent to those of men on the internet than in newspapers. Consider the many women who have recently entered national politics. Write an essay in which you explain whether you feel the extensive online coverage of these women has helped or hurt them as candidates.

Deduction

It is useful to think of deduction as working in the opposite direction from induction. With deductive reasoning, an arguer essentially starts with a general statement that would apply to a number of specific situations. Then the arguer applies that generalization to one specific instance. Unlike the conclusions from induction, which are only probable, the conclusions from **deduction** are certain. The simplest deductive argument consists of two premises and a conclusion. Outlined in the form of a **sylllogism**, the classic form of deductive reasoning, such an argument looks like this:

Major premise: All students with 3.5 averages and above for three years are invited to become members of Kappa Gamma Pi, the honor society.

Minor premise: George has had a 3.8 average for over three years.

Conclusion: Therefore, he will be invited to join Kappa Gamma Pi.

This deductive conclusion is *valid*, or logically consistent, because it follows necessarily from the premises. No other conclusion is possible. **Validity**, however, refers only to the form of the argument. The argument itself may not be satisfactory if the premises are not true — if Kappa Gamma Pi has imposed other conditions or if George has only a 3.4 average. The difference between truth and validity is important because it alerts us to the necessity for examining the truth of the premises before we decide that the conclusion is sound. To be **sound**, an argument must be valid and all of its premises must be true.

One way of discovering how the deductive process works is to look at the methods used by Sherlock Holmes, that most famous of literary detectives, in solving his mysteries. On one occasion, Holmes observed that a man sitting opposite him on a train had chalk dust on his fingers. From this observation, Holmes deduced that the man was a schoolteacher. If his thinking were outlined in a syllogism, it would take this form:

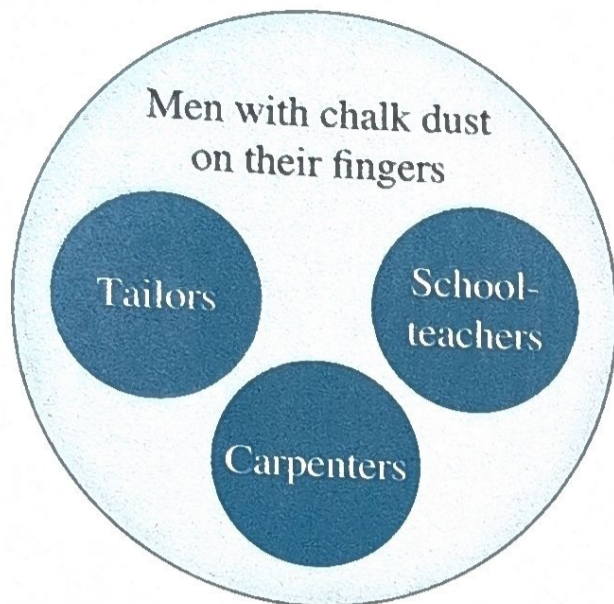
Major premise: All men with chalk dust on their fingers are schoolteachers.

Minor premise: This man has chalk dust on his fingers.

Conclusion: Therefore, this man is a schoolteacher.

The major premise offers a generalization about a large group or class. This generalization has been arrived at through inductive reasoning, or observation of particulars. The minor premise makes a statement about a specific member of that group or class. The third proposition is the conclusion, which links the other two propositions, in much the same way that an assumption links support and a claim.

But although the argument may be logical and *valid*, it is faulty. A deductive argument is only as strong as its premises. In this case, the major premise, the generalization that all men with chalk dust on their fingers are schoolteachers, is not true, so the argument is not *sound*. Perhaps all the men with dusty fingers



whom Holmes had so far observed had turned out to be schoolteachers, but his sample was not sufficiently large to enable him to conclude that all dust-fingered men are teachers. In Holmes's day, draftsmen or carpenters or tailors might have had fingers just as white as those of schoolteachers. Sometimes it is helpful to draw a Venn diagram, circles representing the various groups in their relation to the whole.

If the large circle above represents all those who have chalk dust on their fingers, we see that several different groups may be contained in this universe. To be safe, Holmes should have deduced that the man on the train *might have been* a schoolteacher; he was not safe in deducing more than that. Obviously, if the inductive generalization or major premise is false, the conclusion of the particular deductive argument is also false or invalid.

The deductive argument may also go wrong elsewhere. What if the *minor* premise is untrue? Could Holmes have mistaken the source of the white powder on the man's fingers? Suppose it was not chalk dust but flour or confectioner's sugar or talcum or heroin. Any of these possibilities would weaken or invalidate Holmes's conclusion.

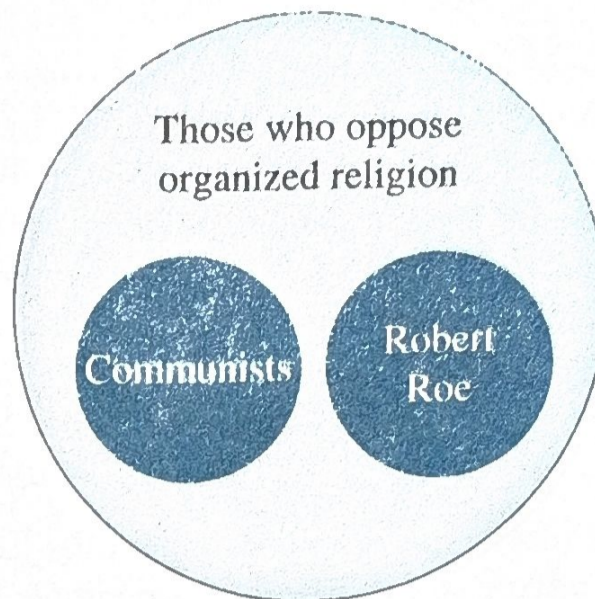
Another example, closer to the kinds of arguments you will examine in your academic work, reveals the flaw in the deductive process.

Major premise: All Communists oppose organized religion.

Minor premise: Robert Roe opposes organized religion.

Conclusion: Therefore, Robert Roe is a Communist.

The fact that two things share an attribute does not mean that they are the same thing. The following diagram (p. 328) makes clear that Robert Roe and Communists do not necessarily share all attributes. Remembering that Holmes may have misinterpreted the signs of chalk on the traveler's fingers, we may also want to question whether Robert Roe's opposition to organized religion has been misinterpreted.



Some deductive arguments give us trouble because one of the premises, usually the major premise, is omitted. As in the assumptions we examined in Chapter 8, a failure to evaluate the truth of an unexpressed premise may lead to an invalid conclusion. When only two parts of a syllogism appear, we call the resulting form an **enthymeme**. Suppose we overhear the following bit of conversation:

“Did you hear about Jean’s father? He had a heart attack last week.”

“That’s too bad. But I’m not surprised. I know he always refused to go for his annual physical checkups.”

The second speaker has used an unexpressed major premise, the cause-and-effect assumption *If you have annual physical checkups, you can avoid heart attacks*. He does not express it because he assumes that it is unnecessary to do so. The first speaker recognizes the unspoken assumption and may agree with it. Or the first speaker may produce evidence from reputable sources that such a generalization is by no means universally true, in which case the conclusion of the second speaker is suspect.

ARGUMENT ESSENTIALS

Deduction

- Deduction is the process of applying a generalization to a particular instance.
- The simplest deductive argument consists of two premises and a conclusion — a syllogism.
- The conclusions from deduction are certain if both premises are true.

A knowledge of the deductive process can help guide you toward an evaluation of the soundness of your reasoning in an argument you are constructing. A syllogism is often clearer than an outline in establishing the relations between the different parts of an argument.

Setting down your own or someone else’s argument in this form will not necessarily give you the answers to questions about how to support your claim, but it should clearly indicate what your claims are and, above all, what logical connections exist between your statements.

READING ARGUMENT

Seeing Deduction

The following essay has been annotated to show deduction.

Are We Living Too Long?

SEAMUS O'MAHONY

Rolf Zinkernagel, a Swiss immunologist who won the Nobel Prize in Physiology or Medicine in 1996, believes that the lifespan of human beings has far exceeded what it was intended to be: "I would argue that we are basically built to reach 25 years of age. All the rest is luxury." Wealthy older people spend a lot of time and money maintaining their health and postponing death. Dinner-party conversations center on colonoscopies, statins (drugs which reduce blood cholesterol), and new diets. Many Americans who are not doctors subscribe to the *New England Journal of Medicine*. I have noticed a similar trend in well-off, older acquaintances of mine: health, and its maintenance, has become their hobby.

All quite laudable, but let's take this trend to its logical conclusion. What are the consequences for society if average life expectancy rises to 100 years, or even more? We face the prospect of an army of centenarians cared for by poorly paid immigrants. The children of these centenarians can expect to work well into their 70s, or even 80s. The world of work will alter drastically, with diminishing opportunities for the young.

What if powerful new therapies emerge which can slow down the aging process and postpone death? Undoubtedly it will be the rich and powerful who will avail themselves of them. Poor people in Africa, Asia, and South America will continue to struggle for simple necessities, such as food, clean water, and basic healthcare. There will be bitter debates about whether the state should fund such therapies. The old are a powerful lobby group and, compared to the young, are far more likely to vote, and thus hurt politicians at the ballot box. Politicians and policymakers mess with welfare provision for the old at their peril. The baby boomers of rich Western countries are now in their 60s and 70s and are aiming for a different kind of old age than

O'Mahony generalizes about how the wealthy view aging.

A restatement of the generalization

O'Mahony now takes that generalization and applies it.

Long working lives spent caring for the elderly would be the effect on the lives of specific, real people.

Again, O'Mahony applies a generalization to specific realities. This time the generalization is specifically about the development of life-extending therapies.

His major premise applied to baby boomers in the West

Seamus O'Mahony is a consultant gastroenterologist at Cork University Hospital in Ireland, associate editor for medical humanities of the *Journal of the Royal College of Physicians of Edinburgh*, and author of *The Way We Die Now* (2016) and *Can Medicine Be Cured? The Corruption of a Profession* (2019). His essay appeared in the *Saturday Evening Post* on April 30, 2019.

their parents. They demand a retirement that is wellfunded, active, and packed with experience. They are unfettered by mortgage debt and are the last generation to receive defined benefit pensions. The economic downturn of the last several years has only strengthened their position. They are passionate believers in the compression of morbidity.

But this vision of aging is wishful thinking. Many now face an old age in which the final years are spent in nursing homes. There are several societal reasons for this: increased longevity, the demise of the multi-generational extended family, and the contemporary obsession with safety. None of us wants to spend the end of our life in a nursing home; they are viewed (correctly) as places which value safety and protocol over independence and living.

What are we to do? We will not see a return of the preindustrial extended family; the future is urban, atomized, and medicalized. The bioethicist Ezekiel Emanuel outraged the baby boomers with his 2014 essay for the *Atlantic*, “Why I Hope to Die at 75.” He attacked what he called the *American immortal*: “I think this manic desperation to endlessly extend life is misguided and potentially destructive. For many reasons, 75 is a pretty good age to aim to stop. Americans may live longer than their parents, but they are likely to be more incapacitated. Does that sound very desirable? Not to me.”

Auberon Waugh (who died aged 61), son of Evelyn Waugh (who died aged 62), once remarked, “It is the duty of all good parents to die young.” Montaigne put it like this: “Make room for others, as others have made room for you.”

Charles C. Mann wrote an essay in 2005 for the *Atlantic* called “The Coming Death Shortage,” which envisaged a future “tripartite society” of “the very old and very rich on top, beta-testing each new treatment on themselves; a mass of ordinary old, forced by insurance into supremely healthy habits, kept alive by medical entitlement; and the diminishingly influential young.”

I am broadly in agreement with Mann that ever-increasing longevity is bad for society, but the problem is this: Given the opportunity of a few extra years, would I take them? Of course I would. There is an old joke: “Who wants to live to be 100? A guy who’s 99.”

Medicine has taken much of the credit, but longevity in developed countries has increased owing to a combination of factors, which include not only organized healthcare, but also improved living conditions, disease prevention, and behavioral changes, such as reductions in smoking.

Major premise: Wealthy older people want a different kind of old age than their parents.

Minor premise: Many will spend their final years in nursing homes.

Conclusion: Their vision of aging is “wishful thinking,” or improbable.

The downside of living too long

A dystopian view of living too long

10 Interestingly, the maximum human lifespan has remained unchanged at about 110–120 years; it is average longevity which has increased so dramatically. Where do we draw the line and call “enough”? We can’t. John Gray has eloquently argued that although scientific knowledge has increased exponentially since the Enlightenment, human irrationality remains stubbornly static. Science is driven by reason and logic, yet our use of it is frequently irrational. Does this phenomenon have any relevance to my daily work as a doctor? Well yes, it does. Irrationality pervades all aspects of medicine, from deluded, internet-addled patients and relatives, to the overuse of scans and other diagnostic procedures, to the widespread use of drugs of dubious benefit and high cost. Cancer care has been described as “a culture of medical excess.” Overuse and futile use is driven by patients, doctors, hospitals, and pharmaceutical companies. The doctor who practices sparingly and judiciously has little to gain either professionally or financially.

Many within medicine view with alarm the direction modern healthcare has taken — that spending on medicine in countries like the U.S. has passed the tipping point where it causes more harm than good. We have seen the rise in the concept of disease “awareness,” promoted, not infrequently, by pharmaceutical companies. Genetics has the potential to turn us all into patients by identifying our predisposition to various diseases. Guidelines from the European Society of Cardiology on treatment of blood pressure and high cholesterol levels identified 76 percent of the entire adult population of Norway as being “at increased risk.” This ruse of “disease mongering” (driven mainly by the pharmaceutical industry) has identified the worried well, rather than the sick, as their market.

We cannot, like misers, hoard health; living uses it up. Nor should we lose it like spendthrifts. Health, like money, is not an end in itself; like money, it is a prerequisite for a decent, fulfilling life. The obsessive pursuit of health is a form of consumerism and impoverishes us not just spiritually, but also financially. Rising spending on healthcare inevitably means that we spend less on other societal needs, such as education, housing, and transport. Medicine should give up the quest to conquer nature, and retreat to a core function of providing comfort and succor.

Practice: Deduction

The following excerpt exemplifies former secretary of state Hillary Clinton’s frequent use of deduction. Read the excerpt, and answer the questions that follow it.

Major premise: People can now know what diseases they might get.

Minor premise: They are worried before they are even sick.

Conclusion: Spending on medicine may cause more harm than good.

Major premise: When the pursuit of health is obsessive, it impoverishes us spiritually and financially.

Minor premise: The wealthy elderly are obsessed with health.

Conclusion: The wealthy elderly are impoverished spiritually and financially.

O’Mahony’s overall

conclusion: Let medicine do what it is intended to do, offer comfort and succor, not conquer nature.

Remarks at the Asia Pacific Economic Cooperation Women and the Economy Summit

HILLARY CLINTON

Integrating women more effectively into the way businesses invest, market, and recruit also yields benefits in terms of profitability and corporate governance. In a McKinsey survey, a third of executives reported increased profits as a result of investments in empowering women in emerging markets. Research also demonstrates a strong correlation between higher degrees of gender diversity in the leadership ranks of business and organizational performance. The World Bank finds that by eliminating discrimination against

female workers and managers, managers could significantly increase productivity per worker by 25 to 40 percent. Reducing barriers preventing women from working in certain sectors would lower the productivity gap between male and female workers by a third to one half across a range of countries.

Hillary Clinton served as secretary of state for then president Barack Obama from 2009 to 2013. The speech was given in September 2011.

Reading, Writing, and Discussion Questions

1. What is the major premise in this passage from Clinton's speech?
2. What is the relationship between the first sentence and the rest of the paragraph?

Common Fallacies

In this necessarily brief review it would be impossible to discuss all the fallacies listed by logicians, but we can examine the ones most likely to be found in the arguments you will read and write. Fallacies are difficult to classify, first, because there are literally dozens of systems for classifying, and second, because under any system there is always a good deal of overlap. It's helpful to remember that even if you cannot name the particular fallacy, you can learn to recognize it and not only refute it in the arguments of others but avoid it in your own as well.

RESEARCH SKILL

Structuring Your Research with Generalizations and Specifics

Whether you approach the subject of your research inductively or deductively, you will need to be aware throughout the research process of the relationship between generalizations and specifics. You may start with an idea that you want to support (a working thesis for deductive arguments), or you may do research to arrive at a general conclusion (induction). You do yourself a disservice, however, and risk producing a flawed argument, if you view research as a quest for specific information that will support that stand. You have to be open to information that you come across that does not fit neatly under your thesis, since the whole point of deductive research is to link specifics with the generalizations they support or, on the other inductive hand, to adapt generalizations to match what your research reveals. That does not mean ignoring what doesn't fit.

If you approach your research inductively, you may be more flexible about considering all of the

specific information you come across. That doesn't mean that you have no idea where your research might lead — although it could — but it means, again, being open to what you find and willing to adapt your thesis as you go through the research process.

Whether you start with the big idea and apply it to specifics or build from the specifics toward a generalization, the relationships between general and specific can give a very natural structure to your writing. Your broadest generalization or conclusion will be your thesis, and the specifics will be your supporting paragraphs. Within paragraphs, the specifics will support topic sentences that together support your thesis. This very basic structure for an essay grew out of the fact that linking the general and the specific inductively and deductively is the way that the human mind naturally works.

Hasty Generalization

Many of our prejudices are a result of **hasty generalization**. A prejudice is literally a judgment made before the facts are in. On the basis of experience with two or three members of an ethnic group, for example, we may form the prejudice that all members of the group share the characteristics that we have attributed to the two or three in our experience.

Superstitions are also based in part on hasty generalization. As a result of a very small number of experiences with black cats, broken mirrors, Friday the thirteenth, or spilled salt, some people will assume a cause-and-effect relation between these signs and misfortunes. *Superstition* has been defined as “a notion maintained despite evidence to the contrary.” The evidence would certainly show that contrary to the superstitious belief, in a lifetime, hundreds of such “unlucky” signs are not followed by unfortunate events. To generalize about a connection is therefore unjustified.

Any generalization based on too few particular instances is a hasty generalization. Since we seldom have the chance to observe every possible instance

before arriving at a generalization, we have to interpret what “too few” means in a particular context. Here are some examples of hasty generalizations:

- I got a parking ticket for parking on the street before I got my permit and another ticket for parking facing the wrong way on the street. These police in Columbia are just out to make money off of college students!
- That elderly driver cut me off. Old people shouldn't be allowed to drive.
- I studied for my first two statistics tests and still failed. I'm not going to even bother to study for the final because I'm going to fail it anyway.
- I've got to wear my lucky Clemson shirt! We never lose when I wear it!
- It made me really nervous having that family of Muslims on my flight.

Faulty Use of Authority

The use of authority—the attempt to bolster claims by citing the opinions of experts—was discussed in Chapter 7. Experts are a valuable source of information on subjects we have no personal experience with or specialized knowledge about. Properly identified, they can provide essential support. The **faulty use of authority** occurs when individuals are presented as authorities in fields in which they are not. An actor who plays a doctor on television may be hired to advertise the latest sleep medicine but actually has no more expertise with medications than the average consumer. The role that he plays may make him appear to be an authority but does not make him one. No matter how impressive credentials sound, they are largely meaningless unless they establish relevant authority.

Vintage ads are a rich source of false use of authority:

- More doctors smoke Camels than any other cigarettes. (1949)
- For Sun Giant Raisins: Horror film star Vincent Price says, “Around my kitchen this is raisin time of year . . . because raisins are good, and good for you.” (1974)

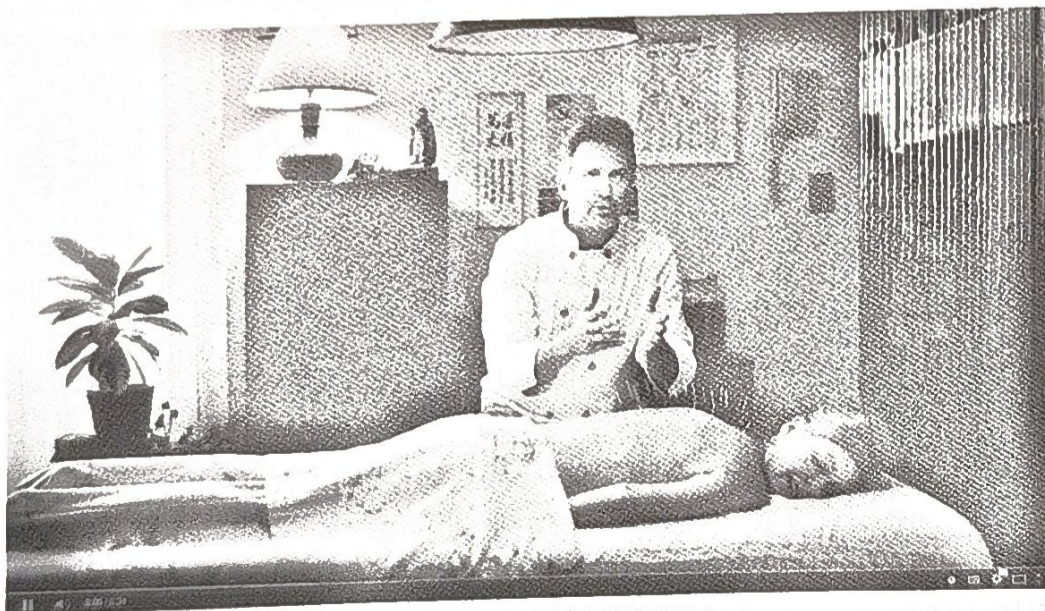


FIGURE 12.1 Holiday Inn Express commercial

- The Soda Pop Board of America claimed that laboratory tests have proven that babies who start drinking soda early have a much higher chance of gaining acceptance and “fitting in” during the preteen years. (2002 parody)

In a series of popular television commercials for Holiday Inn Express that ran for eleven years starting in 1998 and then were started again in 2013, ordinary people step in to perform the role of professionals. (See Fig. 12.1.) When it is discovered that they are not professionals as others assumed, the retort is

always the same: "But I stayed at a Holiday Inn Express last night." In one of the ads a woman relaxes under what she assumes to be the talented hands of a skilled acupuncturist, only to find that his sole claim to authority is what hotel he stayed at the night before.

Post Hoc or Doubtful Cause

The entire Latin term for this fallacy is *post hoc, ergo propter hoc*, meaning, "After this, therefore because of this." The arguer infers that because one event follows another event, the first event must be the cause of the second. But proximity of events or conditions does not guarantee a causal relation, as you can see from the following examples of the post hoc fallacy:

- The rooster crows every morning at 5:00 and, seeing the sun rise immediately after, decides that his crowing has caused the sun to rise.
- A month after A-bomb tests are concluded, tornadoes damage the area where the tests were held, and residents decide that the tests caused the tornadoes.
- After the school principal suspends daily prayers in the classroom, acts of vandalism increase, and some parents are convinced that failure to conduct prayer is responsible for the rise in vandalism.

In each of these cases, the fact that one event follows another does not prove a causal connection. The two events may be coincidental, or the first event may be only one—and an insignificant one—of many causes that have produced the second event. The reader or writer of causal arguments must determine whether another more plausible explanation exists and whether several causes have combined to produce the effect. Perhaps the suspension of prayer was only one of a number of related causes: a decline in disciplinary action, a relaxation of academic standards, a change in school administration, and changes in family structure in the school community.

In the social sciences, cause-and-effect relations are especially susceptible to challenge. Human experiences can seldom be subjected to laboratory conditions. In addition, the complexity of the social environment makes it difficult, even impossible, to extract one cause from among the many that influence human behavior.

False Analogy

Many analogies are merely descriptive and offer no proof of the connection between the two things being compared. An analogy is called a **false analogy** when two things are compared to each other on the basis of superficial similarities while significant dissimilarities are ignored. Some examples:

- Bill Clinton had no experience of serving in the military. To have Bill Clinton become president, and thus commander-in-chief of the armed forces of the United States, was like electing some passerby on the street to fly the space shuttle.

- Students should be allowed to look at their textbooks during examinations. After all, surgeons have X-rays to guide them during an operation; lawyers have briefs to guide them during a trial; carpenters have blueprints to guide them when building a house. Why, then, shouldn't students be allowed to look at their textbooks during an examination?
- Education cannot prepare men and women for marriage. Trying to educate them for marriage is like trying to teach them to swim without allowing them to go into the water. It can't be done.
- People are like dogs. They respond best to clear discipline.

Ad Hominem

The Latin term *ad hominem* means “against the man” and refers to an attack on the person rather than on the argument or the issue. The assumption in such a fallacy is that if the speaker proves to be unacceptable in some way, his or her statements must also be judged unacceptable. Attacking the author of the statement is a strategy of diversion that prevents the reader from giving attention where it is due—to the issue under discussion.

You might hear someone complain, “What can the priest tell us about marriage? He's never been married himself.” This ad hominem accusation ignores the validity of the advice the priest might offer. In the same way, a patient might reject advice on diet by an overweight physician. In politics, it is not uncommon for antagonists to attack each other for personal characteristics that may not be relevant to the tasks they will be elected to perform. They may be criticized for infidelity to their partners, age, atheism, or a flamboyant social life. Even if certain assertions should be proved true, voters should not ignore the substance of what politicians do and say in their public offices.

Some examples of ad hominem assertions:

- I wouldn't vote for Higgins because he left his wife and three kids to run off with his secretary.
- The CEO of that company is too young, so I wouldn't buy its products.
- She shouldn't serve on the school board; she has two children and has never been married!

Ad hominem accusations against the person do *not* constitute a fallacy if the characteristics under attack are relevant to the argument. If the politician is irresponsible and dishonest in the conduct of his or her personal life, we may be justified in thinking that the person will also behave irresponsibly and dishonestly in public office.

False Dilemma

As the name tells us, the **false dilemma**, sometimes called the “black-white fallacy,” poses an either-or situation. The arguer suggests that only two alternatives exist, although there may be other explanations of or solutions to the



David Frent/Getty Images

problem under discussion. The false dilemma reflects the simplification of a complex problem. Sometimes it is offered out of ignorance or laziness, sometimes to divert attention from the real explanation or solution that the arguer rejects for doubtful reasons.

You may encounter the either-or situation in dilemmas about personal choices. "At the University of Georgia," says one writer, "the measure of a man was football. You either played it or worshipped those who did, and there was no middle ground."⁴ Clearly, this dilemma—playing football or worshipping those who do—ignores other measures of manhood.

Politics and government offer a wealth of examples:

- U.S.A.: Love it or leave it.
- If we don't end our dependence on oil, we will destroy our children's future.
- Either you are with us, or you are with the terrorists.

In an interview with the *New York Times* in 1975, the Shah of Iran was asked why he could not introduce into his authoritarian regime greater freedom for his subjects. His reply was, "What's wrong with authority? Is anarchy better?"

Slippery Slope

If an arguer predicts that taking a first step will lead inevitably to a second, usually undesirable step, he or she must provide evidence that this will happen. Otherwise, the arguer is guilty of a **slippery-slope** fallacy.

Predictions based on the danger inherent in taking the first step are commonplace. In a speech to Congress on October 27, 1999, Independent

⁴ Phil Gailey, "A Nonsports Fan," *New York Times Magazine*, December 18, 1983, 96.

presidential candidate Ron Paul said, “I am strongly pro-life. I think one of the most disastrous rulings of this century was *Roe versus Wade*. I do believe in the slippery-slope theory. I believe that if people are careless and casual about life at the beginning of life, we will be careless and casual about life at the end. Abortion leads to euthanasia. I believe that.” Here are other examples:

- The Connecticut law allowing sixteen-year-olds and their parents to divorce each other will mean the death of the family.
- If we ban handguns, we will end up banning rifles and other hunting weapons.

Slippery-slope predictions are simplistic. They ignore not only the dissimilarities between first and last steps but also the complexity of the developments in any long chain of events.

Begging the Question

If the writer makes a statement that assumes that the very question being argued has already been proved, the writer is guilty of **begging the question**. In a letter to the editor of a college newspaper protesting the failure of the majority of students to meet the writing requirement because they had failed an exemption test, the writer said, “Not exempting all students who honestly qualify for exemption is an insult.” But whether the students are honestly qualified is precisely the question that the exemption test was supposed to resolve. The writer has not proved that the students who failed the writing test were qualified for exemption. She has only made an assertion *as if* she had already proved it.

Circular reasoning is an extreme example of begging the question: “Women should not be permitted to join men’s clubs because the clubs are for men only.” The question to be resolved first, of course, is whether clubs for men only should continue to exist.

Other examples:

- I hate soccer because it’s a sport I just don’t like.
- The reason these clubs are in such demand is that everyone wants to get in them.
- Freedom of speech is important because people should be able to speak freely.

Straw Man

The **straw-man** fallacy consists of an attack on a view similar to but not the same as the one your opponent holds. It is a familiar diversionary tactic. The name probably derives from an old game in which a straw man was set up to divert attention from the real target that a contestant was supposed to knock down.

Notice how in the following passage about New York mayor Michael Bloomberg's proposed 2012 ban on the sale of sugary drinks larger than sixteen ounces, conservative pundit George Will shifts the focus from that proposed restriction to global warming:

"Liberals are so enamored over the issue of climate change," Will continued. "They say all our behaviors in some way affect the climate, therefore, the government — meaning, we liberals, the party of government — can fine tune all your behavior right down to the light bulbs you use."⁵

Red Herring

Another diversionary tactic is the **red herring**. The straw man is an attempt to draw an opponent's attention to an issue similar to but not exactly what the opponent was talking about that the speaker or writer can better address. A red herring is an attempt to divert attention away from the subject at hand to *any* other subject, not just one related to the original subject.

An outstanding example of the red herring fallacy occurred in the famous Checkers speech of Senator Richard Nixon. In 1952, during his vice-presidential campaign, Nixon was accused of having appropriated \$18,000 in campaign funds for his personal use. At one point in the radio and television speech in which he defended his reputation, he said:

One other thing I probably should tell you, because if I don't they will probably be saying this about me, too. We did get something, a gift, after the election.

A man down in Texas heard Pat on the radio mention the fact that our two youngsters would like to have a dog, and, believe it or not, the day before we left on this campaign trip we got a message from Union Station in Baltimore saying they had a package for us. We went down to get it. You know what it was?

It was a little cocker spaniel dog, in a crate that he had sent all the way from Texas, black and white, spotted, and our little girl, Tricia, the six-year-old, named it Checkers.

And, you know, the kids, like all kids, loved the dog, and I just want to say this, right now, that regardless of what they say about it, we are going to keep it.⁶

Of course, Nixon knew that the issue was the alleged misappropriation of funds, not the ownership of the dog, which no one had asked him to return.

⁵ David Edwards, "George Will Uses Bloomberg's Soda Ban to Blast Climate Change Laws," *Raw Story*, June 3, 2012, <http://www.rawstory.com/2012/06/george-will-uses-bloombergs-soda-ban-to-blast-climate-change-laws/>.

⁶ Radio and television address of Senator Nixon from Los Angeles on September 23, 1952.

Two Wrongs Make a Right

The **two-wrongs-make-a-right** fallacy is another example of the way in which attention may be diverted from the question at issue.

After President Jimmy Carter in March 1977 attacked the human rights record of the Soviet Union, Russian officials responded:

As for the present state of human rights in the United States, it is characterized by the following facts: millions of unemployed, racial discrimination, social inequality of women, infringement of citizens' personal freedom, the growth of crime, and so on.

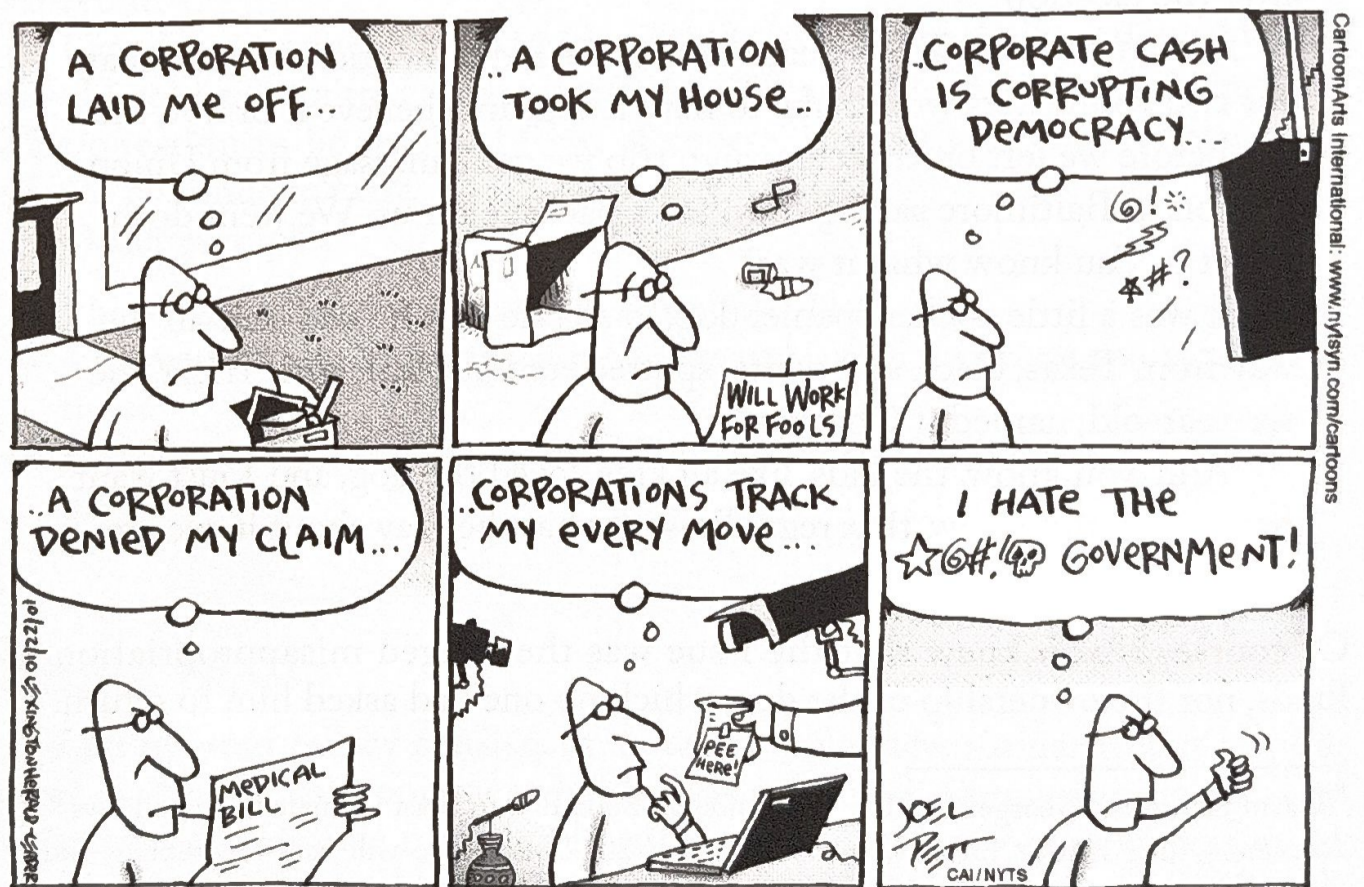
The Russians made no attempt to deny the failure of *their* human rights record; instead they attacked by pointing out that the Americans are not blameless either.

Other examples:

- Anyone who killed those innocent children deserves the death penalty.
- It's okay to use chemical weapons against the U.S. since the U.S. used them against Vietnam.
- I had every right to take his Xbox. He broke mine!

Non Sequitur

The Latin term *non sequitur*, which means "it does not follow," is another fallacy of irrelevance. An advertisement for a book, *Worlds in Collision*, whose



Joel Pett Editorial Cartoon used with the permission of Joel Pett and the Cartoonist Group. All rights reserved.

theories about the origin of the earth and evolutionary development have been challenged by almost all reputable scientists, states:

Once rejected as “preposterous”! Critics called it an outrage! It aroused incredible antagonism in scientific and literary circles. Yet half a million copies were sold and for twenty-seven years it remained an outstanding bestseller.

We know, of course, that the popularity of a book does not bestow scientific respectability. The number of sales, therefore, is irrelevant to proof of the book’s theoretical soundness—a *non sequitur*.

Other examples sometimes appear in comments by politicians and political candidates. In June 2010, President Obama said, “After all, oil is a finite resource. We consume more than 20 percent of the world’s oil, but have less than 2 percent of the world’s oil reserves.”⁷ This is a non sequitur because the relevant relationship would be between the U.S. percentage of world *population* (not oil reserves) and the U.S. percentage of world oil consumption.

Ad Populum

Arguers guilty of the *ad populum* fallacy make an appeal to the prejudices of the people (*populum* in Latin). They assume that their claim can be adequately defended without further support if they emphasize a belief or attitude that the audience shares with them. One common form of *ad populum* is an appeal to patriotism, which may enable arguers to omit evidence that the audience needs for proper evaluation of the claim. In the following advertisement, the makers of Zippo lighters made such an appeal in urging readers to buy their product:

It’s a grand old lighter. Zippo—the grand old lighter that’s made right here in the good old U.S.A.

We truly make an all-American product. The raw materials used in making a Zippo lighter are all right from this great land of ours.

Other examples:

- But you have to let me go to the party! *Everyone* will be there!
- Everybody drives a little over the speed limit. If I drove the speed limit, I would get rear-ended!
- Lipton Ice Tea. Join the Dance.

⁷ Glen Kessler, “U.S. Oil Resources: President Obama’s ‘Non Sequitur Facts,’” *Washington Post*, March 15, 2012, http://www.washingtonpost.com/blogs/fact-checker/post/us-oil-resources-president-obamas-non-sequitur-facts/2012/03/14/gIQApP14CS_blog.html.

Appeal to Tradition

In making an **appeal to tradition**, the arguer assumes that what has existed for a long time and has therefore become a tradition should continue to exist *because* it is a tradition. If the arguer avoids telling his or her reader *why* the tradition should be preserved, he or she may be accused of failing to meet the real issue.

The following statement appeared in a letter defending the membership policy of the Century Club, an all-male club established in New York City in 1847 that was under pressure to admit women. The writer was a Presbyterian minister who opposed the admission of women.

I am totally opposed to a proposal which would radically change the nature of the Century. . . . A club creates an ethos of its own over the years, and I would deeply deplore a step that would inevitably create an entirely different kind of place.⁸

Numerous activities continue “because it’s always been done that way.” They range from debutante balls that may seem out of sync with modern times to football traditions. Texas A&M students were so devoted to the massive bonfire that marked the approach of their game with rival University of Texas that it was continued off campus, unsanctioned by the school, even after eleven students and one former student died during a collapse of the stacked wood in 1999. Tradition in and of itself is not a bad thing, but discrimination, injustice, and unsafe behaviors have often been prolonged in the name of tradition.

Strategies for Uncovering Logical Fallacies

1. If your source is making use of induction — that is, drawing a conclusion based on a number of individual examples — ask yourself if it has enough examples with variety to justify the conclusion. In other words, will your readers be able to make the inductive leap from examples to the conclusion you are asking them to make?
2. If your source is making use of deduction, is its conclusion a logical one based on the premises underlying it? To be sure, write out its argument in the form of a syllogism, and confirm that both the major and the minor premises are true.
3. Avoid sources that word their thesis statements in absolute terms like *all*, *every*, *everyone*, *everybody*, and *always*.
4. Use the list of fallacies in this chapter as a checklist while you read each of your sources with a critical eye, looking for any breakdown in logic.

⁸ David H. C. Read, letter to the *New York Times*, January 13, 1983, 14.

Practice

Decide whether the reasoning in the following examples is faulty. Use the common fallacies presented in the previous pages to explain your answers.

1. The presiding judge of a revolutionary tribunal, being asked why people are being executed without trial, replies, "Why should we put them on trial when we know that they're guilty?"
2. The government has the right to require the wearing of helmets while operating or riding on a motorcycle because of the high rate of head injuries incurred in motorcycle accidents.
3. Children who watch game shows rather than situation comedies receive higher grades in school. So it must be true that game shows are more educational than situation comedies.
4. The meteorologist predicted the wrong amount of rain for May. Obviously, the meteorologist is unreliable.
5. Women ought to be registered in the Selective Service System. Why should men be the only ones to face death and danger?
6. If Michelle Obama uses Truvia, it must taste better than Splenda.
7. People will gamble anyway, so why not legalize gambling in this state?
8. Because so much money was spent on public education in the last decade while educational achievement declined, more money to improve education can't be the answer to reversing the decline.
9. He's a columnist for a campus newspaper, so he must be a pretty good writer.
10. We tend to exaggerate the need for Standard English. You don't need much Standard English for most jobs in this country.
11. It's discriminatory to mandate that police officers must conform to a certain height and weight.
12. A doctor can charge for a missed appointment, so patients should be charged less when a doctor keeps them waiting.
13. Because this soft drink contains so many chemicals, it must be unsafe.
14. Core requirements should be eliminated. After all, students are paying for their education, so they should be able to earn a diploma by choosing the courses they want.
15. We should encourage a return to arranged marriages in this country since marriages based on romantic love haven't been very successful.
16. I know three redheads who have terrible tempers, and since Annabel has red hair, I'll bet she has a terrible temper, too.
17. Supreme Court Justice Byron White was an all-American football player while in college, so how can you say that athletes are dumb?
18. Benjamin H. Sasway, a student at Humboldt State University in California, was indicted for failure to register for possible conscription. Barry Lynn, president of Draft Action, an antidraft group, said, "It is disgraceful that this

- administration is embarking on an effort to fill the prisons with men of conscience and moral commitment.”
19. James A. Harris, former president of the National Education Association: “Twenty-three percent of schoolchildren are failing to graduate and another large segment graduates as functional illiterates. If 23 percent of anything else failed—23 percent of automobiles didn’t run, 23 percent of the buildings fell down, 23 percent of stuffed ham spoiled—we’d look at the producer.”
 20. A professor at Rutgers University: “The arrest rate for women is rising three times as fast as that of men. Women, inflamed by the doctrines of feminism, are pursuing criminal careers with the same zeal as business and the professions.”
 21. Physical education should be required because physical activity is healthful.
 22. George Meany, former president of the AFL-CIO, in 1968: “To these people who constantly say you have got to listen to these younger people, they have got something to say, I just don’t buy that at all. They smoke more pot than we do and if the younger generation are the hundred thousand kids that lay around a field up in Woodstock, New York, I am not going to trust the destiny of the country to that group.”
 23. That candidate was poor as a child, so he will certainly be sympathetic to the poor if he’s elected.
 24. When the federal government sent troops into Little Rock, Arkansas, to enforce integration of the public school system, the governor of Arkansas attacked the action, saying that it was as brutal an act of intervention as Russia’s sending troops into Hungary to squelch the Hungarians’ rebellion. In both cases, the governor said, the rights of a freedom-loving, independent people were being violated.
 25. Governor Jones was elected two years ago. Since that time, constant examples of corruption and subversion have been unearthed. It is time to get rid of the man responsible for this kind of corrupt government.
 26. Are we going to vote a pay increase for our teachers, or are we going to allow our schools to deteriorate into substandard custodial institutions?
 27. You see, the priests were right. After we threw those virgins into the volcano, it quit erupting.
 28. The people of Rome lost their vitality and desire for freedom when their emperors decided that the way to keep them happy was to provide them with bread and circuses. What can we expect of our own country now that the government gives people free food and there is a constant round of entertainment provided by television?
 29. From Mark Clifton, “The Dread Tomato Affliction” (proving that eating tomatoes is dangerous and even deadly): “Ninety-two point four percent of juvenile delinquents have eaten tomatoes. Fifty-seven point one percent of the adult criminals in penitentiaries throughout the United States have eaten tomatoes. Eighty-four percent of all people killed in automobile accidents during the year have eaten tomatoes.”

30. From Galileo, *Dialogues Concerning Two New Sciences*: “But can you doubt that air has weight when you have the clear testimony of Aristotle affirming that all elements have weight, including air, and excepting only fire?”
31. Robert Brustein, artistic director of the American Repertory Theater, commenting on a threat by Congress in 1989 to withhold funding from an offensive art show: “Once we allow lawmakers to become art critics, we take the first step into the world of Ayatollah Khomeini, whose murderous review of *The Satanic Verses* still chills the heart of everyone committed to free expression.” (The Ayatollah Khomeini called for the death of the author Salman Rushdie because Rushdie had allegedly committed blasphemy against Islam in his novel.)

READING ARGUMENT

Seeing Logical Fallacies

The following essay has been annotated to point out places where the author finds logical fallacies with cyclists' demands for road privileges. Annotations also note logical problems with the author's argument.

Drivers Get Rolled

CHRISTOPHER CALDWELL

Late last August, along the coast of New Hampshire, Kevin Walsh, police chief in the town of Rye, got a lecture on law enforcement from a bunch of grown-up bicyclists. Local law requires bikers to ride single-file when there is traffic. But this day, a pack of a dozen or so bikers were racing down Ocean Boulevard, at high speed, up to five abreast, according to an interview the chief later gave. Walsh decided to flag them down and tell them what they were doing was unsafe, “out of control,” and “an accident waiting to happen.” He stood in the middle of Ocean Boulevard and signaled them to stop. The bikers blew past him in a whoosh! of Lycra, sweat, and profanity. Walsh got in his cruiser and cut off the bikers four miles up the road. When he stopped them, they began to chew him out. “You almost killed somebody back there, standing in the middle of the road,” one of them screamed at the cop. “Do you understand we can't stop? Do you understand we can't stop like a car?”

The bikers are setting up a straw man to divert blame from themselves.

Christopher Caldwell is a journalist and former senior editor at the *Weekly Standard*, where this article appeared on November 18, 2013. He has also written frequently for the *Wall Street Journal*, the *New York Times*, and the *Washington Post*, among many other publications.

Shows the false analogy:
If they can't stop like a car,
they shouldn't expect the
rights of drivers.

Like many episodes in the world of adult recreational cycling, this one breaks new ground in the annals of chutzpah. Few non-cyclists would think to scold a law enforcement official for having nearly been run over by them. Fewer still would release to the news media a video of the incident—which came from a camera mounted on the handlebars of one of the bikers—in the almost demented belief that it constituted a vindication rather than an incrimination. And yet you can see it online.

Incidents like this now happen every day. Laws governing bikes on roads have never been crystal-clear, and have always been marked by a degree of common sense and compromise. An increase in racing and commuting bikers has altered what passes for common sense. Cyclists like the ones in New Hampshire, whose reckless riding and self-righteousness have earned rolled eyes nationwide and the nickname of “Lycra louts” in England, have tested the public’s willingness for compromise. As bicyclists become an ever more powerful lobby, ever more confident in the good they are doing for the environment and public health, they are discovering—to their sincere surprise—that they are provoking mistrust and even hostility among the public.

Transported

When there are more bicyclists on the road, when most bicyclists are no longer children and teens, and when well-built bikes can easily descend a hill at 50 miles an hour, new questions come up. The first is how we are to think of bikes. Are they like really fast pedestrians? Or like cars with a lower maximum speed? The law’s general view is that they are vehicles. But what the law really means is not that bikes are exactly like cars but that they are analogous. You don’t need to get a license to ride a bike, you don’t need your vehicle inspected to put it on the road, and you aren’t charged tax for the upkeep of highways. There is considerable ambiguity here, and activist bikers, with lawyerly sophistication, almost unfailingly claim the best of both worlds. Consider the guy we mentioned above who insisted police chief Walsh give him all the rights of the road for a vehicle he claimed to be unable to stop. Bicyclists are exactly like cars when it suits them—as when they occupy the middle of a lane in rush hour. But they are different when it suits them—going 18 mph in that very same lane even though the posted speed is 45, riding two abreast, running red lights if there’s nothing coming either way, passing vehicles on the right when there’s a right turn coming up. This makes bikes a source of unpredictability, frustration, and danger.

Shows why the analogy
between cars and bikes
works only part of the time

This should not alarm us unduly. Bicyclists sometimes do require the middle of the roadway, and do need special consideration. The rightmost

part of the road is often punctuated with old-fashioned sewer grates that will swallow a tire whole and fling you over the handlebars. There are broken bottles, dropped hypodermic needles, oil slicks that have drained off the road's crown, and places where the road is frittered away. The right side of the road is also where passenger doors get flung open, sometimes suddenly, and one piece of bad timing will send you to kingdom come. Almost 700 cyclists died on the road in the United States in 2011. Let us not forget the environmental, aesthetic, and health benefits of cycling over driving, which are obvious and undeniable.

The problem is that our transportation network, built at the cost of trillions over the decades, is already over capacity, as the Obama administration was fond of reminding us when arguing for the 2009 stimulus package. It is not so easily rejiggered. Unquestionably we have misbuilt our transport grid. It makes us car-dependent. It should better accommodate bikers and walkers. But for now it can't. Unless you want to cover much more of the country in asphalt—which is far from the professed wishes of bikers—lane space is finite. There are few places in America where public transportation can serve as a serious alternative to driving. In only five metropolitan areas—Boston, New York, Washington, Chicago, and San Francisco—do as many as 10 percent of commuters take public transportation.

So, except in a few spots where roads were built too wide and can now accommodate bike paths, adding bicycles to the mix means squeezing cars. Bike-riders don't "share" the road so much as take it over. Their wish is generally that the right-hand lane of any major or medium-sized road be turned into a bike lane or, at best, a shared-use lane. This would place drivers in a position of second-class citizenship on roads that were purpose-built for them. There are simply not enough cyclists to make that a reasonable idea. What is going on is the attempt of an organized private interest to claim a public good. Cyclists remind one of those residents in exurban subdivisions who, over years, allow grass and shrubbery to encroach on dirt public sidewalk until it becomes indistinguishable from their yards, and then sneakily fence it in.

Our numbers about how many people bike and how often are relatively imprecise. The best estimates come from counting commutes and accidents. According to the U.S. census, 120 million people drive to work every weekday, and 750,000 bike. In other words, there are 160 drivers for every biker. Bike use is growing—but even at 40 times the present level it would still not be sensible public policy to squander a quarter, a third, or half of the lane space on a busy rush-hour artery for a bike lane.

A reminder of the dangers of bicycling

A simple if unfortunate fact: Our transportation network was not built to accommodate bicycles.

False dilemma: Private interest and public good do not have to be mutually exclusive.

Bike riding could be the wave of the future, or it could be a sports fad, the way tennis was in the 1970s or skateboarding in the 1980s or golf in the 1990s. It is hard to tell, since bike riding is now the beneficiary of vast public and private subsidies and massive infrastructure projects, from Indianapolis's \$100 million plan to add bike lanes and other nonauto byways to Citibank's underwriting of the New York City bike-share program. "Subsidize it and they will come," could be the motto. Drivers are being taxed to subsidize their own eviction.

High Rollers

There are a number of internationally recognized signals through which bicyclists convey their intentions to drivers. The raised left hand means a right turn, the dropped left hand means slowing down, and so on. I have never seen either of these gestures used. Instead, cyclists tend to communicate with motorists through a simpler, all-purpose gesture, the raised middle finger. The self-righteousness, the aplomb, of bicyclists is their stereotypical vice and quirk, like the madness of hatters, the drunkenness of poets, and the communism of furriers.

The attitude was nicely captured in a pro-biking letter to the editor in the *Brookline TAB*, the community paper for Boston's richest neighborhoods: "Whenever someone bikes or walks to the store or to work," the writer began, "he or she is taking one automobile off the road and making a significant contribution both to Brookline's safety and to reducing the carbons so dangerous to life on earth." You see? It only looks like I'm having a midlife crisis—I'm actually on a rescue mission! The question of what courtesy the cyclist owes the community is immediately taken off the table, replaced by the question of what the community can possibly do to repay its debt to the cyclist.

All of us who care about the environment have a sense—even a conviction—that biking is more virtuous than driving. What distinguishes the biking enthusiast is that he is just as convinced that biking is more virtuous than walking: "While riding," another *TAB* correspondent wrote, "I have encountered pedestrians who are texting. They are a danger to themselves and others, because they sometimes make erratic movements and often ignore requests to step to the side so a bicycle can pass." By "request," the writer probably means a barked command of "On your right!" or "On your left!" made by a cyclist approaching from behind at 30 mph.

If bicyclists have a more highly developed sense that they can boss others around, this is because they disproportionately belong to the classes from

Hasty generalization: Not all bikers are rude.

The virtues of biking are irrelevant to the issue of biking safely.

which bosses come. They are, to judge from their blogs, more aggrieved by delivery trucks parked in bike lanes than drivers are by delivery trucks parked in car lanes. This may be because proportionately fewer of them have ever met a person who drives a delivery truck. The 2011 accident data of the National Highway Traffic Safety Administration give us a hint that ardent bicycling is not, for the most part, a youthful avocation, as those whose biking days ended in the 1970s or '80s might assume. The average age of those killed cycling — presumably a rough proxy for those doing the most grueling road riding — has been rising by close to a year annually. In 2003 it was 36; in 2011 it was 43. Cyclists are heavily weighted towards the baby boom generation. The group involved in the most fatal accidents in 2011 is ages 45–54, followed by ages 55–64. The two cohorts make up those born between 1947 and 1966.

This generation is at the height of its earning power, and bikers are drawn from the very richest part of it. Shortly after Birmingham, England, got almost \$30 million from the government to make itself more bike-friendly, the *Birmingham Post* researched who was building bike spaces in London. Topping the list were the Gherkin, the ghastly Norman Foster-designed skyscraper in the financial district that houses a lot of London's financial-services industry; Goldman Sachs's Fleet Street headquarters; and London Wall Place, a high-end office building slated for construction in the City. This helps explain why Portland, Oregon, is so proud of its status as the country's most "bicycle-friendly" city, and why Las Vegas, Louisville, and other places are vying to outdo it. City officials want to be "bicycle-friendly" for the same reason they want to be "gay-friendly" or "internet-friendly," and for the same reason they built opera houses in the nineteenth century and art museums in the twentieth — it is a way of telling investors: "Rich people live here."

- 15 Once you understand that bicycling is a rich person's hobby, you can understand the fallacy that *Slate* editor David Plotz, an ardent bicyclist, committed when he asked why such a large number of dangerous drivers he encountered while cycling to work drove the same make of car. Of the twenty scares he's had in his life, ten came from BMWs. "In other words," Plotz wrote, "the BMW, a car that has less than 2 percent market share in the United States, was responsible for 50 percent of the menacing." Why, he wondered? Was it a sense of entitlement, or were BMW-drivers just "assholes"? Probably neither — it is that luxury-car-driving and bike-commuting are heavily concentrated in the same very top sliver of the American class hierarchy. The percentage of BMWs driving between where the average cyclist

Doubtful cause: Is that why cities want to be bicycle friendly?

False dilemma: Feeling entitled and being assholes are not the only alternatives.

lives to where the average cyclist works is a heck of a lot higher than 2 percent. It may not be 50 percent—the Help, after all, needs to use these roads, too—but it is high.

Wheel Estate

If bike-friendly areas are rich neighborhoods, they are a particular kind of rich neighborhood. They are college towns, or at least “latte towns,” to use the term David Brooks coined in these pages. The top cities for cycling commuters, according to the U.S. census, are Corvallis and Eugene in Oregon, Fort Collins and Boulder in Colorado, and Missoula, Montana. The census notes that Portland, Oregon, is the only metropolitan area in which at least 2 percent of commutes are by bike.

Its concentration in cultural hubs has consequences. Bicycling’s apostles have behind them not just the economic and lobbying power of the “One Percent,” but also the cultural and intellectual power of its most sophisticated members. The idea that there might be alternative social goods competing with cycling, or any reason not to offer cyclists as much leeway and indulgence as they might demand, seems scarcely to have occurred to anybody who discusses it in public. That, surely, is why a cyclist might think that posting a video of a cyclist scolding a well-meaning New Hampshire police chief might help the cycling cause. The promotion of cycling is open to discussion as to means, but not as to ends. The question is how, not whether, to build more bike infrastructure; and how, not whether, to educate motorists about their responsibilities to bikers. It is never about educating bicyclists on how to find alternative modes of transport.

Leaders of the biking community, though, most often try to cast themselves as an underprivileged minority. Ian Walker, a “traffic psychologist” from the University of Bath, describes cyclists as a “minority outgroup”—they suffer in a society that “views cycling as anti-conventional and possibly even infantile.” In an August editorial calling for an end to “anti-cyclist bias,” the *San Francisco Bay Guardian* opined: “To focus exclusively on the behavior of cyclists is like blaming a rape victim for wearing a short skirt.”

As is not uncommon when progressive utopias are being constructed, there are a number of informal activist groups for enforcing opinion. The Twitter feed CycleHatred was founded in Britain to expose those who wrote negative things about cyclists, although recent press reports have implicitly questioned whether such exposure might do the anti-cycling cause more good than harm. The cycling journalist Peter Walker of the *Guardian* commented on a Tweet

Bicyclists expect privileges.

False analogy

(probably good-humored) attacking Britain's Olympic gold medalist Bradley Wiggins for having made cycling popular ("If Wiggins came in here, I'd give him a piece of my mind"). Ian Walker responded:

This is a fantastic example of what is sometimes called the "cyclists should get their house in order" argument—that people who have nothing in common except choosing cycling as one of their several regular forms of transport are nonetheless necessarily defined by it, and are somehow responsible for the worst actions by others on bikes.

Walker points out the hasty generalization.

20 But this is a category error. That our road system cannot provide the resources to support cyclists in the style to which they would like to become accustomed is a matter of policy and limited resources, not of civil rights and prejudice. An action that is ignorable at the individual level—such as cycling down the middle of the street at high speed—can become a problem when the masses do it. That is why, for instance, people have been forbidden to burn leaves in their backyard for the past half-century. One pile of leaves is a beautiful smell. Several are a pollution problem, or so they tell us. Right or wrong, those who consider leaf burning a problem are not making a bigoted assessment of the personalities of the individual leaf-burners.

Bikers' unmet needs, in terms of both infrastructure and law, are limitless. A common trope is to compare America's spending on bikes with that of the Netherlands. Amsterdam spends \$39 per resident on bike trails, laments the *Boston Globe*, while Boston spends under \$2. Until we shell out as much as the Dutch, there can be no such thing as misspent money. Pointing to areas, mostly poor, in which Washington, D.C.'s Capital Bikeshare program has failed to win a following, the director of the program assured the *Washington Post* that "those areas where the bike community is not yet self-sustaining" are "precisely where the District Department of Transportation needs to double its efforts."

The analogy is incomplete unless the number of bikers is also compared.

The bicycle agenda is coming to resemble the feminist agenda from the 1970s, when previously all-male universities went co-ed. Everything that was ever off-limits to the aggrieved minority must be opened up, while sancta established for the minority in the old days must be preserved, and new ones founded. So bikers must have access to roads and hiking trails, but also get their own new "bike boulevards." Having a special bike-friendly highway, such as Route 9W, west of the Hudson River, does not mean that certain other highways will ever be closed off to bikes in the interest of efficiency or fairness.

The analogy is not clear.

While it is wrong to call bicyclists a downtrodden minority, they are a minority in one sense. They are one of those compact, issue-oriented small groups that, as the economist Mancur Olson warned in his classic *The Logic of Collective Action* (1965), generally take unmotivated majorities to the cleaners. There are probably a million dedicated cyclists in this country, bent on taking over a quarter or a third of the nation's road space, built at the price of, let us repeat, trillions. They are ranged against the 200 million drivers who have a vague sense they are being duped. But this sense is only vague, and because motorists, like other American voters, have developed the habit of being talked into giving up what is theirs, any wise person would bet on the bicyclists' winning all they ask for. A small collection of elite hobbyists will continue, as Tacitus might have put it, to make a traffic jam and call it peace.

Reading, Writing, and Discussion Questions

1. Explain why the anecdote in the first paragraph is an example of the straw man fallacy.
2. Explain one or more of the examples of false analogy in the article.
3. How convincing is Christopher Caldwell's argument that bicyclists are among our richest citizens? Does your experience seem to support that claim? Explain.
4. Have you experienced or witnessed the sorts of problems between bikers and drivers that Caldwell describes? If so, give an example.
5. In spite of the focus in the annotations on logical fallacies, what strengths does the article have?

Practice: Uncovering Logical Fallacies

Read the following court decision, and answer the questions that follow. It will be useful to keep in mind that the plaintiff, Homer Plessy, although a Creole who could easily have passed for white, was legally "colored" according to the law of that day because he had one eighth African blood. He chose not to deny his African heritage when asked and expected to be arrested or at least to be removed from the train car for whites for which he had bought a ticket.

Plessy v. Ferguson: The Opinion of the Court

HENRY BILLINGS BROWN, U.S. SUPREME COURT

This case turns upon the constitutionality of an act of the general assembly of the state of Louisiana, passed in 1890, providing for separate railway carriages for the white and colored races. Acts 1890, No. 111, p. 152.

The first section of the statute enacts "that all railway companies carrying passengers in their coaches in this state, shall provide equal but separate accommodations for the white, and colored races, by providing two or more passenger coaches for each passenger train, or by dividing the passenger coaches by a partition so as to secure separate accommodations: provided, that this section shall not be construed to apply to street railroads. No person or persons shall be permitted to occupy seats in coaches, other than the ones assigned to them, on account of the race they belong to."

By the second section it was enacted "that the officers of such passenger trains shall have power and are hereby required to assign each passenger to the coach or compartment used for the race to which such passenger belongs; any passenger insisting on going into a coach or compartment to which by race he does not belong, shall be liable to a fine of twenty-five dollars, or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison, and any officer of any railroad insisting on assigning a passenger to a coach or compartment other than the one set aside for the race to which said passenger belongs, shall be liable to a fine of twenty-five dollars, or in lieu thereof to imprisonment for a period of not more than twenty days in the parish prison; and should any passenger refuse to occupy the coach

or compartment to which he or she is assigned by the officer of such railway, said officer shall have power to refuse to carry such passenger on his train, and for such refusal neither he nor the railway company which he represents shall be liable for damages in any of the courts of this state." . . .

The information filed in the criminal district court charged, in substance, that Plessy, being a passenger between two stations within the state of Louisiana, was assigned by officers of the company to the coach used for the race to which he belonged, but he insisted upon going into a coach used by the race to which he did not belong. Neither in the information nor plea was his particular race or color averred.¹

The petition for the writ of prohibition averred that petitioner was seven-eighths Caucasian and one-eighth African blood; that the mixture of colored blood was not discernible in him; and that he was entitled to every right, privilege, and immunity secured to citizens of the United States of the white race; and that, upon such theory, he took possession of a vacant seat

5

The case of *Plessy v. Ferguson* was a landmark case decided by the Supreme Court in 1896 that established "separate but equal" justification for racial segregation. The plaintiff in error — the person who had brought the case against the railroad and was now appealing the verdict — was Homer Plessy, a resident of Louisiana. The defendant was the Honorable John H. Ferguson, judge of the criminal District Court for the parish of Orleans, where the case was originally heard. Henry Billings Brown was the United States Supreme Court justice who wrote the opinion of the majority of the court.

¹ Alleged as a fact in support of a plea. — EDs. [All notes are the editors'.]

in a coach where passengers of the white race were accommodated, and was ordered by the conductor to vacate said coach, and take a seat in another, assigned to persons of the colored race, and, having refused to comply with such demand, he was forcibly ejected, with the aid of a police officer, and imprisoned in the parish jail to answer a charge of having violated the above act.

The constitutionality of this act is attacked upon the ground that it conflicts both with the Thirteenth Amendment of the Constitution, abolishing slavery, and the Fourteenth Amendment, which prohibits certain restrictive legislation on the part of the states.

1. That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude, a state of bondage; the ownership of mankind as a chattel, or, at least, the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services. This amendment was said in the *Slaughter-House Cases*, 16 Wall. 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude, and that the use of the word "servitude" was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name. It was intimated,² however, in that case, that this amendment was regarded by the statesmen of that day as insufficient to protect the colored race from certain laws which had

been enacted in the Southern states, imposing upon the colored race onerous disabilities and burdens, and curtailing their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value; and that the Fourteenth Amendment was devised to meet this exigency.

So, too, in the *Civil Rights Cases*, 109 U.S. 3, 3 Sup. Ct. 18, it was said that the act of a mere individual, the owner of an inn, a public conveyance or place of amusement, refusing accommodations to colored people, cannot be justly regarded as imposing any badge of slavery or servitude upon the applicant, but only as involving an ordinary civil injury, properly cognizable³ by the laws of the state, and presumably subject to redress⁴ by those laws until the contrary appears. "It would be running the slavery question into the ground," said Mr. Justice Bradley, "to make it apply to every act of discrimination which a person may see fit to make as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or business."

A statute which implies merely a legal distinction between the white and colored races—a distinction which is founded in the color of the two races, and which must always exist so long as white men are distinguished from the other race by color—has no tendency to destroy the legal equality of the two races, or re-establish a state of involuntary servitude. Indeed, we do not understand that the Thirteenth Amendment is strenuously relied upon by the plaintiff in error in this connection.

³ Within the jurisdiction of.

⁴ Remedy or compensation for a wrong or grievance.

² Hinted or suggested.

10 2. By the Fourteenth Amendment, all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are made citizens of the United States and of the state wherein they reside; and the states are forbidden from making or enforcing any law which shall abridge the privileges or immunities of citizens of the United States, or shall deprive any person of life, liberty, or property without due process of law, or deny to any person within their jurisdiction the equal protection of the laws.

The proper construction of this amendment was first called to the attention of this court in the *Slaughter-House Cases*, 16 Wall. 36, which involved, however, not a question of race, but one of exclusive privileges. The case did not call for any expression of opinion as to the exact rights it was intended to secure to the colored race, but it was said generally that its main purpose was to establish the citizenship of the negro, to give definitions of citizenship of the United States and of the states, and to protect from the hostile legislation of the states the privileges and immunities of citizens of the United States, as distinguished from those of citizens of the states. The object of the amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either. Laws permitting, and even requiring, their separation, in places where they are liable to be brought into contact, do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures

in the exercise of their police power. The most common instance of this is connected with the establishment of separate schools for white and colored children, which have been held to be a valid exercise of the legislative power even by courts of states where the political rights of the colored race have been longest and most earnestly enforced.

One of the earliest of these cases is that of *Roberts v. City of Boston*, 5 Cush. 198, in which the supreme judicial court of Massachusetts held that the general school committee of Boston had power to make provision for the instruction of colored children in separate schools established exclusively for them, and to prohibit their attendance upon the other schools. "The great principle," said Chief Justice Shaw, "advanced by the learned and eloquent advocate for the plaintiff [Mr. Charles Sumner], is that, by the constitution and laws of Massachusetts, all persons, without distinction of age or sex, birth or color, origin or condition, are equal before the law. . . . But, when this great principle comes to be applied to the actual and various conditions of persons in society, it will not warrant the assertion that men and women are legally clothed with the same civil and political powers, and that children and adults are legally to have the same functions and be subject to the same treatment; but only that the rights of all, as they are settled and regulated by law, are equally entitled to the paternal consideration and protection of the law for their maintenance and security." It was held that the powers of the committee extended to the establishment of separate schools for children of different ages, sexes, and colors, and that they might also establish special schools for poor and neglected children, who have become too old to attend the primary

school, and yet have not acquired the rudiments of learning, to enable them to enter the ordinary schools. Similar laws have been enacted by congress under its general power of legislation over the District of Columbia (sections 281–283, 310, 319, Rev. St. D. C.), as well as by the legislatures of many of the states, and have been generally, if not uniformly, sustained by the courts. . . .

Laws forbidding the intermarriage of the two races may be said in a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the police power of the state. *State v. Gibson*, 36 Ind. 389.

While we think the enforced separation of the races, as applied to the internal commerce of the state, neither abridges⁵ the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the Fourteenth Amendment, we are not prepared to say that the conductor, in assigning passengers to the coaches according to their race, does not act at his peril, or that the provision of the second section of the act that denies to the passenger compensation in damages for a refusal to receive him into the coach in which he properly belongs is a valid exercise of the legislative power. Indeed, we understand it to be conceded by the state's attorney that such part of the act as exempts from liability the railway company and its officers is unconstitutional. The power to assign to a particular coach obviously implies the power to determine to which race the passenger belongs, as well as the power to determine who, under the laws of the particular state, is to be deemed a

white, and who a colored, person. This question, though indicated in the brief of the plaintiff in error, does not properly arise upon the record in this case, since the only issue made is as to the unconstitutionality of the act, so far as it requires the railway to provide separate accommodations, and the conductor to assign passengers according to their race.

It is claimed by the plaintiff⁶ in error that, in a mixed community, the reputation of belonging to the dominant race, in this instance the white race, is "property," in the same sense that a right of action or of inheritance is property. Conceding this to be so, for the purposes of this case, we are unable to see how this statute deprives him of, or in any way affects his right to, such property. If he be a white man, and assigned to a colored coach, he may have his action for damages against the company for being deprived of his so-called "property." Upon the other hand, if he be a colored man, and be so assigned, he has been deprived of no property, since he is not lawfully entitled to the reputation of being a white man.

In this connection, it is also suggested by the learned counsel for the plaintiff in error that the same argument that will justify the state legislature in requiring railways to provide separate accommodations for the two races will also authorize them to require separate cars to be provided for people whose hair is of a certain color, or who are aliens, or who belong to certain nationalities, or to enact laws requiring colored people to walk upon one side of the street, and white people upon the other, or requiring white men's houses to be painted white, and colored

⁵ Restricts.

⁶ The person who brings legal action against another (the *defendant*).

men's black, or their vehicles or business signs to be of different colors, upon the theory that one side of the street is as good as the other, or that a house or vehicle of one color is as good as one of another color. The reply to all this is that every exercise of the police power must be reasonable, and extend only to such laws as are enacted in good faith for the promotion of the public good, and not for the annoyance or oppression of a particular class. . . .

So far, then, as a conflict with the Fourteenth Amendment is concerned, the case reduces itself to the question whether the statute of Louisiana is a reasonable regulation, and with respect to this there must necessarily be a large discretion on the part of the legislature. In determining the question of reasonableness, it is at liberty to act with reference to the established usages, customs, and traditions of the people, and with a view to the promotion of their comfort, and the preservation of the public peace and good order. Gauged by this standard, we cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the Fourteenth Amendment than the acts of Congress requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned, or the corresponding acts of state legislatures.

We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it. The argument necessarily assumes that if, as has been more than once the case, and is

not unlikely to be so again, the colored race should become the dominant power in the state legislature, and should enact a law in precisely similar terms, it would thereby relegate the white race to an inferior position. We imagine that the white race, at least, would not acquiesce in this assumption. The argument also assumes that social prejudices may be overcome by legislation, and that equal rights cannot be secured to the negro except by an enforced commingling of the two races. We cannot accept this proposition. If the two races are to meet upon terms of social equality, it must be the result of natural affinities, a mutual appreciation of each other's merits, and a voluntary consent of individuals. As was said by the court of appeals of New York in *People v. Gallagher*, 93 N. Y. 438, 448: "This end can neither be accomplished nor promoted by laws which conflict with the general sentiment of the community upon whom they are designed to operate. When the government, therefore, has secured to each of its citizens equal rights before the law, and equal opportunities for improvement and progress, it has accomplished the end for which it was organized, and performed all of the functions respecting social advantages with which it is endowed." Legislation is powerless to eradicate racial instincts, or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal, one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane. . . .

The judgment of the court below is therefore affirmed.

Reading, Writing, and Discussion Questions

1. How is Justice Henry Billings Brown's argument in paragraphs 4–5 an example of begging the question?
2. Why does Brown say that it is “too clear for argument” that the actions of the railroad did not violate the Thirteenth Amendment (para. 7)? Why did “statesmen of that day” feel that the Thirteenth Amendment was not enough, leading them to push for the passage of the Fourteenth?
3. Consider Brown's position in paragraph 8 about “ordinary civil injury” such as deciding whom to entertain and whom to rent a room to. What is the legal stance today toward such decisions made by individuals? Can you name (or find) any more recent examples of events or court cases to support your answer?
4. Paraphrase paragraph 11, which gets to the heart of the argument that the case is most famous for.
5. Paragraph 12 compares the case to a case of Boston public schools. What is the fallacy (or fallacies) at work in this paragraph?
6. Evaluate the logic of paragraph 15 and its interpretation of the Fourteenth Amendment's reference to “life, liberty, or property.” What logical fallacies are at play? Where does the logic falter?
7. Evaluate the analogy in paragraph 16. Is it logical? Why or why not? What does the tone suggest about Brown's attitude toward those who are not white?
8. How does paragraph 17 illustrate the fallacy called appeal to tradition?
9. Brown opens paragraph 18 by saying that the argument of the plaintiff's counsel is fallacious in that if a “badge of inferiority” exists as a result of separating the races, it exists only in the minds of people of color. How does Brown contradict his own argument by the end of the paragraph?
10. What has happened to the legal concept of “separate but equal” since 1896?

Assignments for Logic

Reading and Discussion Questions

1. How do the inductive and deductive reasoning processes relate to the scientific method?
2. Why is it sometimes difficult to read an essay and tell whether the writer approached the topic through induction or deduction?
3. Look at a product review in *Consumer Reports* or a similar publication or website. Pick a general category like laptop computers, SUVs, or smartphones. Explore how the researchers arrive at their recommendations. Do they use induction or deduction?
4. Locate print ads to illustrate some of the fallacies covered in this chapter.

Writing Suggestions

1. Write an essay in which you analyze one or more fallacies in a single print ad or use several ads to illustrate logical fallacies.
2. Seamus O'Mahony makes this statement: "Irrationality pervades all aspects of medicine, from deluded, internet-addled patients and relatives, to the overuse of scans and other diagnostic procedures, to the widespread use of drugs of dubious benefit and high cost." He adds that "spending on medicine in countries like the U.S. has passed the tipping point where it causes more harm than good." Write an essay in which you argue whether you agree or disagree with O'Mahony's view of medicine.
3. According to Anup Gampa, a researcher from the University of Virginia, and Sean Wojcik, a researcher from the University of California, Irvine, "being able to hear the other side can open us up to our own flawed arguments."⁹ Write an essay either agreeing or disagreeing with Gampa and Wojcik's statement, supporting your views with examples from contemporary political or campus issues.

RESEARCH ASSIGNMENT

1. Go to Google or another general search engine that you are familiar with. Do a search for a subject you're interested in or a current issue discussed in class. Choose a current controversial issue from class discussion or from recent headlines. Consider the topic, and decide if you want to research through an inductive or deductive process. Write a paragraph to explain your choice. Outline a plan for your inductive or deductive research process. Think about the relationship between generalizations and specifics. What sort of information would you need for your research to produce that would bridge the gap between the two? If you research deductively, what working thesis will you use to guide your research? What resources will you use to find sources, and what keywords and subject terms will guide your research?
2. Search for sources and gather at least ten potential sources. Pause and reevaluate. Based on what you have collected, do you need to adjust your working thesis at all? Do you have a sense of the generalization you will draw? (An annotated bibliography can be an especially helpful tool for this exercise. See "MLA-Style Annotated Bibliography" in Chapter 15, p. 437.)
3. Write a paragraph or two explaining how your research process led you to adjust your working thesis or shaped your conclusion. If you did not adjust your thesis at all, reexamine it to ensure it is of an appropriate scope (not too narrow or broad) and is debatable.

⁹ James Murray, "Logical Reasoning: An Antidote or a Poison for Political Disagreement?" *Net News Ledger*, April 18, 2019, <http://www.netnewsledger.com/2019/04/18/logical-reasoning-an-antidote-or-a-poison-for-political-disagreement/>.